1

B - class.

App. F. IX—4 (1958.) File No. AFD 252 DST 57

Previous References. Serial Nos.

Asst. Dem.

Later References. Forest By

MYSORE GOVERNMENT SECRETARIAT

Forest

9/1/58

21/2/58

Serial Nos.

Part B for

SUBJECT

Control over ~~Private~~ S. No. 35.

Adisoompy Tal. Shiggaon.

WD 04708—GPB—1,00,000—18-12-58.

A

1/11/04

ಎಸ್. ನಾರಾಯಣಸ್ವಾಮಿ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ

Asst. Dgl.

4/12/262/58-59

Sub:- Control over private R.F. No. 35 of Adavisomapur Tal Shiggaon Dist Dharwar.

D No. 9900/29-8-58 Pnd for favour of perusal.

The C.C.F recommends cancellation of the order issued by Govt of Bombay under Sec. 35(1) of I.F. Act in respect of R.F. No. 35 of Adavisomapur, for the reasons mentioned in his letter.

4349/58-Order
Law III

2) Under the circumstances, the proposal of the C.C.F may be accepted and he may be asked to submit draft notification for cancelling the previous notification, for publication in the Gazette.

A draft letter to the C.C.F is put up accordingly for approval.

9/10/58

3) The letter at page 1/c may issue approving the proposal of the C.C.F.

(1) Cancel the notification issued under Subsection 1 of Section 35 of the I.F.A.

and (2). release the material cut by the owner.

4) After issue of the G.L. the papers may be returned to the R.A for issuing suitable instructions to the Revenue Authorities having regard to the position marked 'A' in the letter from the Conservator of Forests Belgaum Circle at page 3/c.

5) M. (Agri) may kindly see.

MYSORE GOVT. SECRETARIAT
NO.....
16 OCT 1958
Sr KPR
LAW SECTION 3

S.O. Instn
8-X-58

D.C.

2(III)
F.No. 3401/Law/58-3(122)
See-III
16-X-58
M.

S.O. may advise on parali

14X

16/10

AF) 252 DST 58

F.No. 2264/Law (3083-III)
LAW DEPARTMENT.

F.No. 3601/4349/58-OWW Law-III

3083/59-OWW Law-III

There is no legal prohibition to rescind the notification issued in respect of Forest Survey No. 35 of Advisomapur by the Government under Section 35(1), Indian Forest Act. Since the trees situate in the area notified do not belong to the Government, there is no legal objection xx to release the timber in favour of the owner of the land.

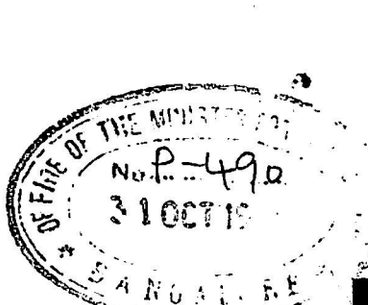
A-F)

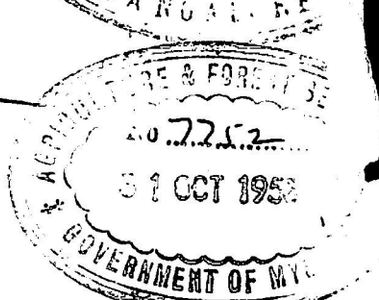
B.Hanumanthaiah 23/10
(B.Hanumanthiah)
Under Secretary to Government,
Law Department.
(23-10-1958)

8) In view of para 7, the letter at page 7/c may now issue. M(AF) may kindly peruse the letter before issue. Hence
25X
Sd/-
25/10/58

9) M AF) Issue
3.11.
A1/F
1/11

OS



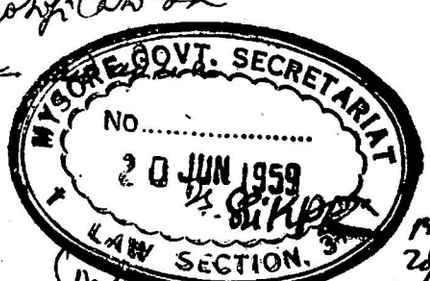


10) Draft C.D. at P 7/c may now issue
Issue
3/11
Sd/-
31/10/58

11) D 1497 is for perusal

12) R.D. may kindly see the rectification at page 15/c before it issue. Note if it is in order.
16/6/59
Sd/-
18.6.59

Sees
17/11



Law Deptt.)
13) Draft circular revised
A-F)

19/6

F.No. 2264/Law-III
10-6-59

Mysore Government Secretariat

AFD 252 DST 58 / RB 9296 4

File No. of 195 . [App. F. III 2

Serial No.

4. The notification may now be referred to RD before it is issued.

Note 29/6. Cofuth 26.6.59

5 R.D. 5/7/59

15 RD may perhaps have no objection to rescind the notifn.

Note 8.7.59 7/7/59 7/7/59 Seen

AFD Dept

MYSORE GOVERNMENT SECRETARIAT 9296 4 - JUL 1959 REVENUE BRANCH.

16361 13864

DEPUTY SECRETARY TO GOVT. No 12153 - 8 JUL 1959 REVENUE DEPARTMENT

17) The M(F&S) may kindly see before issue of the notification (Flagged)

18 Since the proposal has been approved by M(F) in para 9 supra. the notification at page 15/c may issue. It need not be submitted to M(F) again.

Cofuth 24.7.59.

SAH 24/7

Note 31/7

Note.—Contn. Sheet

5

Below No.C/11-A/II-55/471 dated 23rd June 1958 from the Divisional Forest Officer, Dharwar.

Subject:-Control over S.No.35 of Advisomapur, Taluka Shiggaon, District Dharwar.

No.24/16/ of 1958-59.
Belgaum. July 1958.

Submitted (in duplicate) to the Chief Conservator of Forests in Mysore, Bangalore.

2. The Divisional Forest Officer's report is self explanatory. All the references quoted therein are embodied in the accompanying papers which may kindly be returned when no longer required.

3. In view of what has been stated by the Divisional Forest Officer in para 2 of his above reference, it is seen that the infringment of the prescriptions of the notification issued under Section 35(1) of the Indian Forest Act in respect of S.No.35 of Advisomapur, by the owner, it is presumed, would not have occurred, if there were no orders to him from the Village Officer to the effect that he should bring the land under cultivation, etc. Though necessary intimation was given to the Mamlatdar(Tahsildar) in this connection by the Divisional Forest Officer, no further ~~instructions~~/intimation appears to have been issued by the Mamlatdar (Tahsildar) to the Village Officer. If this was done by the revenue authorities, the present complications would not have arisen. It is therefore felt necessary, as suggested by the Divisional Forest Officer, that necessary notes in such cases should be kept in the village records to avoid further complications. Government may k therefore kindly be moved to issue necessary instructions to the Deputy Commissioners in this connection.

4. In view of the reasons stated by the Divisional Forest Officer in para 3 of his above report, there appears no objection to exclude the S.No. in question, from the issue of fresh notifications after the previous notification is cancelled by Government.

(N.S.Kaikini)
Conservator of Forests,
Belgaum Circle.

PNY:12.7.

LETTER.

To

The Conservator of Forests,
Belgaum Circle, Belgaum.

No.C/11-A/II-55/ 471 of 58/59. Dharwar, 23rd June, 1958.

Subject: Control over Sy.No.35 of Advisomapur, Taluka Shiggaon.

I have to state that Survey No. 35 of Advisomapur taluka Shiggaon measuring 19 acres 5 gunthas which belongs to Shri.Channappa Satappa Bendigeri of Advisomapur was brought under the purview of Section 35(1) of the Indian Forest Act 1927 as per Bombay Government Notification No. 5132/61023-J of 26-11-1953. A copy of the Notification was sent to the owner of the S.No. on 2/5-4-1954 requesting to comply with the prescriptions of the notification.

2. Shri.Channappa Bendigeri had submitted an application to the Range Forest Officer, Hangal on 7-10-1957 requesting to grant permission to cut and remove the treegrowth standing in the Sy.No. to enable him to bring the land under cultivation. But his request was refused by the R.F.O. on the ground that the land is notified under Section 35(1). It has now been brought to the notice of the undersigned that Shri.Bendigeri has cut junglewood trees in about 9 acres in the Sy.No. The acts of cutting, sawing, conversion and removal of trees and timber are prohibited in the area under clause A(d) of the notification issued under Section 35(1). The action of the owner of cutting the trees without any permission of this Department is an infringement of the prescriptions of the Notification. The owner states that he is not aware of any notification under which the acts of cutting, sawing, etc. were prohibited. But his say is untenable since a copy of the notification was sent to him on 5-4-1954. He also states that he has received a notice from the revenue authorities in which he has been directed to bring the Sy.No. under cultivation and adds that he had begun to cut the trees with a view to bring the land under cultivation in response to the notice issued by the Revenue authorities. The notice said to have been issued by the Revenue Department is a 'D' notice issued under Section 65 of the Tenancy and Agricultural lands Act 1948. It is obtained from the owner and enclosed among the enquiry papers. This notice has been issed by the Talathi directing the owner of the Sy.No. to bring the land under cultivation and informing him that in case the land is left fallow for any two consecutive years, the management of it would be taken by the Government and would be leased to any suitable cultivator. The owner took this opportunity and began to cut the trees without obtaining the permission of the Forest Department. He states that he cut the trees with a view to bring the land under cultivation as per notice given by the Revenue Department. Now it is a point for consideration whether the owner should have obeyed the notification issued under Section 35(1) of I.F.A. in 1953 or to the subsequent notice issued by the Revenue Department in the year 1957. Though he infringed the prescriptions of the notification, the cutting of trees was a corollary of notice issued by the Revenue Department under Section 65 of the Tenancy law. On perusal of the case papers it is seen that the Mamlatdar of Shiggaon was informed of the fact of Notification having been issued under Section 35(1) on 5- 4-1954. But the record in this connection seems to have not been propertly maintained in the village office. Had the intimations of Notification sent by the Office been kept properly, the issue of 'D' notice could have been avoided. Since this notice has been issued to the owner by the Revenue Department after the issue of the ...

7

....Notification under Section 35(1) of I.F.A., it is difficult to hold the owner responsible for infringement of the provisions of notification under Section 35(1) as he will naturally say that the notice given by the Revenue Department lead him to presume that the former notification is superceded. If such things are to be stopped, it is necessary to maintain some record in the village dafters about the lands for which Notifications under Section 35(1) are issued. It is felt that a note should be kept in the other right column of the Record of Rights. I, therefore, request that Govt. may kindly be moved to issue instructions to the Deputy Commissioner, to keep necessary notes about the Notifications issued under Section 35(1) of I.F.A. in the other rights columns of Records of Rights of the private Sy.Nos. converned immediately after receipt of intimation of the same from the Divisional Forest Officers. After receipt of Govt. orders, list of all notified private forests will be supplied to the Deputy Commissioners for doing the needful.

3. It is reported by the Range Forest Officer, Hangal after personal inspection of the area that the treegrowth in the remaining area of Sy.No.35 of Advisomapur is not good enough as to require regulation of cutting of treegrowth and that the circumstances also do not warrant to take management under Section 36 of I.F.A. It is also reported that the Soil is red, sandy loam and the slope is about 1° to 1½° and is suited for vast Range of Agriculture with light conservation measures. It is also reported that the land will not be subjected to serious soil erosion if bouthgt under cultivation. The Sy.No. is surrounded by Malki lands in 3 sides which are under cultivation and it touches the reserved forest on the forthside. The Notification already issued in this case contains anomalies and hence it has already been proposed to be cancelled. In view of the suitability of the land for cultivation, and in view of the circumstances stated above, I may kindly be informed wherher the Sy.No. in question should be excluded from the issue of fresh Notification after the previous Notification is cancelled by Govt. The following papers are enclosed :-

1) Original case File No.I, pages 1 & 24

& 2) Enquiry papers File No.II. pages 1 & 40

(J.D.Masearenhas)
Divisional Forest Officer,
Dharwar.

SAB/..18-6.

Appendix F. G.—1]

SUBJECT Contract over Miscl- Local- S.N.35 of Adiyamaputur T&L Shimoga Dist- Delegated

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue.....

Signed by.....

List of enclosures .....

Copied by.....

Examined by .....

Section

File No.

Serial No.

No. ALD 252 BST 58. 13/11/58.

To The C.C.I- Bhore

Sir,

Ref:- Your letter No B-6-37-734/58, Dated 25-8-58, Dated on the above mentioned subject

2) I am Directed to convey the approval of Govt- for cancellation of Govt Notification No: 5133/61 Dated 26-11-53, issued under Section 35(1) of the Dl: Act- 95 in respect of SN° 35 of Adiyamaputur

3) I am to request you to submit to Govt- Draft notification for cancelling the above notification for publication in the Gazette.

2. His proposal to release the material as per [illegible] is also approved.

The case papers in two files are returned herewith.

(x) and to release the material out-lay the owner, to him.

WD-01787—GPB—PZS—100,000—10-9-58.

Copy to the R.D. with a request to give instruction to the Dy Comm Draiwar, & keep a note in the Village records in this connection.

No.B-6-37-734/58 Chief Conservator's Office,
Enc. Page 163 Bangalore, dated 9-2-1959.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sir,

Sub:-Control over private forest S.No.35 of Advisomapur Taluka Shiggaon, District Dharwar.

Ref:-Govt. letter No.AFD 252 DST 58 dated 13th November 1958.

A draft notification cancelling the Bombay Government's notification No.5133/61023 -J dated 26-11-53 is enclosed herewith for favour of publication in the Gazette.

Yours faithfully,

(K.KADAMBI)
Chief Conservator of Forests.

AS/2/2.

MYSORE GOVERNMENT SECRETARIAT
NO 1497
16 FEB 1959
FOREST BRANCH

11/8 11

Below No.C/11-A/II-55/1527 of 12-1-59 from the Deputy Conservator of Forests, Dharwar Division, Dharwar.

Sub:-Control over forest S.No. 35 of
Advisomapur, Taluka Shiggaon
District: Dharwar.

No.24/16/3641 of 1958-59.
Belgaum, 19th January 1959.

Submitted to the Chief Conservator of Forests in Mysore, Bangalore (in duplicate) with reference to his No.B-6-37-734/58 dated 4-12-1958.

2. The draft notification in the prescribed form cancelling the notification issued by the Bombay Government in Agriculture and Forest Department No.5133/61023-J dated 26-11-1953 accompanies the Deputy Conservator of Forests' letter. It may kindly be arranged to be published in the Mysore Gazette as early as possible.

(N.S.Kaikini)
Conservator of Forests,
Belgaum Circle.

PVJ:17.1.

13/4

12

Letter.

Subject: Control over forest S. No.35 of Advisomapur, Taluka Shiggaon District:Dharwar.

No.C/11-A/II-55/15-27 of 58-59
Dharwar 12-1-1959.

To

The Conservator of Forests,
Belgaum Circle, Belgaum.

Reference: Your No.24/16/15531 of 30-12-1958.

I am enclosing herewith a draft notification for cancelling the notification issued for S.No.35 of Advisomapur for submitting to Government for publication in the Government Gazette.

(J.D.Mascarenhas.)
Deputy Conservator of Forests,
Dharwar Division.

MM/8-1

15/9/13

GOVERNMENT OF MYSORE.

Mysore Government Secretariat,
Bangalore, Dated: 30-7-59

NOTIFICATION.

Whereas by Government Notification, Agriculture and Forest Department, Bombay No. 5133/61023-J of 26-11-1953 certain acts were prohibited and certain acts were regulated in the Forest Lands of the Dharwar District specified in the Schedule ~~hereto annexed~~ below (hereinafter referred to as the said forest lands);

And whereas it has been decided to remove the said prohibitions and regulations in respect of the said forest lands;

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 35 of the Indian Forest Act, 1927 (Central Act No. XVI of 1927) as inforce in the Bombay area, the Government of Mysore hereby rescinds the Notification No.5133/61023-J of 26-11-1953.

Schedule.

District: Dharwar, Taluka: Shiggaon, Village: Adviscmapur S.No. 35; area 19 acres 5 gunthas.

Boundaries:- North: S.No.46, East: S.No.36, South: S.No.34, West: S.No.51

Issued
Vc 30/7/59
P.T.O.

By order and in the name of the
Governor of Mysore.

Sd/- 24/7
Secretary to Govt. Agri. & Forest, Deptt
14/8/59

To:

The Compiler,
Mys. Gaz. for publication.

Copy to
1) CEO, B'lore, 2/o Advt. no B6-37-734/58
2) RD.
3) Asst (Hqrs)

D/S Advt.
Noted 21/7.

15

GOVERNMENT OF MYSORE

No.AFD 252 DGT 58

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, the 30th July 1959

NOTIFICATION

Whereas by Bombay Government Notification, Agriculture and Forest Department No.5133/61023-J of 26-11-1953 certain acts were prohibited and certain acts were regulated in the Forest Lands of the Dharwar District specified in the Schedule below (hereinafter referred to as the said forest lands);

And whereas it has been decided to remove the said prohibitions and regulations in respect of the said forest lands;

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 35 of the Indian Forest Act, 1927 (Central Act No.XVI of 1927) as in force in the Bombay area, the Government of Mysore hereby rescind the Notification No.5133/61023-J of 26-11-1953.

Schedule

District	Taluka	Village	S.No.	Area A-G-As.	Boundaries.
Dharwar	Shiggaon	Advisomapur	35	19-5-0	North - S.No.46 East - S.No.36 South - S.No.34 West - S.No.51

By Order and in the name of the
Governor of Mysore,

sd/-
(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department

To

The Compiler, Mysore Gazette, for publication.

Copies to:-

1. The Chief Conservator of Forests, Bangalore, with reference to his No.B6-37-734/58.
2. The Revenue Department.
3. The Weekly Gazette.

SAMannan

(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department
29/7

Cnn.28/7/59.

16

GOVERNMENT OF MYSORE

No.AFD 252 DST 58

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, the 30 July 1959

NOTIFICATION

Whereas by Bombay Government Notification, Agriculture and Forest Department No.5133/61023-J of 26-11-1953 certain acts were prohibited and certain acts were regulated in the Forest Lands of the Dharwar District specified in the Schedule below (hereinafter referred to as the said forest lands);

And whereas it has been decided to remove the said prohibitions and regulations in respect of the said forest lands;

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 35 of the Indian Forest Act, 1927 (Central Act No.XVI of 1927) as in force in the Bombay area, the Government of Mysore hereby rescind the Notification No.5133/61023-J of 26-11-1953.

Schedule

District	Taluka	Village	S.No.	Area A-G-As.	Boundaries.
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By Order and in the name of the
Governor of Mysore,

sd/-
(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department

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Sd/-
(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department

29/7

Cnm.28/7/59.

17

GOVERNMENT OF MYSORE

No.AFD 252 DST 58

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, the 30th July 1959

NOTIFICATION

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By Order and in the name of the
Governor of Mysore,

sd/-
(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department

To

The Compiler, Mysore Gazette, for publication.

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1. The Chief Conservator of Forests, Bangalore, with reference to his No.B6-37-734/58.
2. The Revenue Department.
3. The Weekly Gazette.

(S.A. Mannan)
Deputy Secretary to Government,
Agriculture & Forest Department

Cnn.28/7/59.